

Order

Michigan Supreme Court
Lansing, Michigan

October 7, 2009

Marilyn Kelly,
Chief Justice

137467

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137467
COA: 247391
Jackson CC: 02-002915-FC

KATHERINE SUE DENDEL a/k/a
KATHERINE SUE BURLEY,
Defendant-Appellant.

By order of February 24, 2009, the application for leave to appeal the September 11, 2008 judgment of the Court of Appeals was held in abeyance pending the decision in *Melendez-Diaz v Massachusetts*, cert gtd __ US __; 129 S Ct 2527; 174 L Ed 2d 314 (2008). On order of the Court, the case having been decided on June 25, 2009, __ US __; 129 S Ct 2527; 174 L Ed 2d 314 (2009), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration of the defendant's Confrontation Clause and hearsay issues in light of *Melendez-Diaz*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. We direct the Court of Appeals' attention to the fact that we have also remanded *People v Lewis* (Docket No. 136622) to the Court of Appeals for reconsideration in light of *Melendez-Diaz*.

We do not retain jurisdiction.



p0930

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 7, 2009

Corbin R. Davis

Clerk